

§ 1439.23 Gross revenue limitation.

A person, as defined in part 1497 of this chapter, as applicable, who has annual gross receipts in excess of \$2.5 million shall not be eligible to receive assistance under this part. For the purpose of this determination, annual gross receipts means:

(a) With respect to a person who receives more than 50 percent of such person's gross income from farming and ranching, the total gross receipts received from such operations; and

(b) With respect to a person who receives 50 percent or less of such person's gross receipts from farming and ranching, the total gross receipts from all sources.

§ 1439.24 Paperwork Reduction Act assigned numbers.

The information collection requirements contained in these regulations (7 CFR part 1439) have been approved by OMB under the provisions of 44 U.S.C. chapter 35 and have been assigned OMB Number 0560-0029.

Subpart—Livestock Preservation Donation Program

§ 1439.101 General statement.

(a) This subpart sets forth the terms and conditions of the Livestock Preservation Donation Program. This program shall only be in effect upon a determination that a livestock feed emergency exists in a State, county or area and it has been announced that this program is in effect. Information regarding the availability of the program in a county may be obtained from State and county offices.

(b) In order to be eligible to participate in the program, an owner of livestock must have suffered a substantial loss of production of feed as defined in § 1439.3 of this part. The objective of the program is to provide assistance approved by CCC through a contract with the owner, for the owner to receive donated CCC-owned feed grains, for livestock owners who are financially unable to purchase feed, or to otherwise participate in any other program authorized under this part. The owner must establish to the satisfaction of the approving official that:

(1) Without assistance the owner's livestock would perish or be sold at distress prices; and

(2) The owner has insufficient cash or credit to buy feed for eligible livestock.

§ 1439.102 Eligibility.

(a) A livestock owner may be approved to participate in the program if it is determined that in addition to the provisions of §§ 1439.1 through 1439.24 that:

(1) The livestock owner's need for replacing and repairing losses of buildings, equipment, suppliers, and other related matters will leave insufficient cash or credit to buy feed for livestock;

(2) The livestock owner has insufficient cash or credit to buy feed for eligible livestock;

(3) The owner's livestock would perish or be sold at distress prices without donation of feed grains under this program;

(4) The livestock owner does not have sufficient livestock feed to feed the livestock through the period of the emergency; and

(5) The livestock owner is unable to participate in any other emergency livestock feed program which is currently in effect in accordance with this part.

(b) With respect to the determinations made in accordance with paragraphs (a)(2) through (4) of this section, the approving official must determine that under prevailing local conditions the owner's financial resources preclude the owner from obtaining sufficient quantities of feed from normal suppliers without:

(1) Imperiling continuance of the farming operations;

(2) Placing the owner in default with respect to existing financial obligations;

(3) Causing the owner to engage in unsound borrowing practices; or

(4) Resulting in excessive disposal of livestock by the owner.

(c) Purchased feed shall be considered as an available asset in determining whether an owner is suffering an undue financial hardship. In making this determination, the approving official shall take into consideration the normal financial resources of owners in